

C S X T R A N S P O R T A T I O N
MAY 31, 2021

HEADQUARTERS SUB SYSTEM NOTICE 128

TO: T&E CREWS AND ALL CONCERNED
SUBJECT: CSXT OPERATIONAL TESTING POLICY FOR TRAINMEN
EFFECTIVE: 1200HRS, JUNE 1, 2021

ITEM 1 - INTRODUCTION

CSX IS CHANGING ITS APPROACH TO OPERATIONAL TESTING FOR TRAINMEN AND CONDUCTORS IN AN EFFORT TO PROMOTE GREATER EMPLOYEE UNDERSTANDING AND COMPLIANCE WITH PROPER SAFETY PRACTICES AND OPERATING RULES. THESE REVISIONS TO COMPANY POLICY WERE DEVELOPED THROUGH DISCUSSIONS WITH THE TRANSPORTATION DIVISION OF THE INTERNATIONAL ASSOCIATION OF SHEET METAL, AIR, RAIL AND TRANSPORTATION WORKERS (SMART-TD), THE UNION REPRESENTING CSX TRAINMEN AND CONDUCTORS.

UNDER THE NEW POLICY, CSX LEADERS WILL INITIALLY UTILIZE NON-PUNITIVE METHODS TO ADDRESS OPERATIONAL TESTING FAILURES, WHICH INCLUDE HAVING UNION REPRESENTATIVES PROACTIVELY INTERVENE TO HELP EMPLOYEES FOCUS ON BEST SAFETY PRACTICES. TRAINMEN AND CONDUCTORS OBSERVED TAKING UNSAFE ACTIONS WILL BE SUBJECT TO INFORMAL COACHING, DIALOGUE, EDUCATION AND OPPORTUNITIES FOR REMEDIAL TRAINING - AN APPROACH DESIGNED TO SUPPORT AN ENVIRONMENT OF LEARNING AND RESPECT. IN THE EVENT MULTIPLE ATTEMPTS AT CORRECTIVE ACTION HAVE NOT MADE AN IMPACT, OR WHERE AN EMPLOYEE ENGAGES IN EGREGIOUS OR REPEATED VIOLATIONS, OR INTENTIONAL OR RECKLESS CONDUCT, HE OR SHE MAY BE SUBJECT TO DISCIPLINE OR DISMISSAL. THESE REFORMS WILL BE IMPLEMENTED ON A TRIAL BASIS AND ARE SUBJECT TO MODIFICATION TO ENSURE EFFECTIVE ACCOUNTABILITY.

"IT'S IMPERATIVE THAT CSX, OUR LABOR UNION PARTNERS, AND OUR FRONT-LINE LEADERS AND EMPLOYEES WORK TOGETHER TO ADDRESS SAFETY RULES AND PRACTICES AT THE BALLAST-LINE LEVEL, THROUGH OPEN COMMUNICATION, TO BETTER UNDERSTAND THE ROOT CAUSES OF HUMAN FACTOR ERRORS AND SAFETY INCIDENTS," SAID JAMIE BOYCHUK, EVP OPERATIONS. "DISCIPLINING EMPLOYEES FOR MISTAKES AND UNINTENTIONAL RULE VIOLATIONS IS NOT THE ONLY, NOR ALWAYS THE BEST, WAY TO ACCOMPLISH THESE GOALS. I WANT TO THANK SMART-TD NATIONAL OFFICERS, THE CSX GENERAL CHAIRMEN AND OTHER UNION OFFICIALS FOR WORKING WITH US TO TRANSFORM OUR APPROACH AND IMPROVE SAFETY POLICIES - AND TO TAKE THIS SMALL BUT SIGNIFICANT STEP TO CHANGE THE CSX CULTURE."

SMART-TD PRESIDENT JEREMY FERGUSON LAUDED THE UNION'S PARTNERSHIP WITH CSX AND THE PROCESS THAT LED TO ALIGNMENT ON THESE IMPORTANT ISSUES. "OUR RELATIONSHIP WITH CSX LEADERSHIP AND THE INTEREST-BASED DISCUSSIONS WE'VE ENGAGED IN ARE POSITIVE DEVELOPMENTS FOR OUR MEMBERS. CHANGES IN LOCAL LEADERSHIP INTERACTION WITH TRAINMEN TO ADVANCE OUR MUTUAL INTERESTS IN PROTECTING THE LIVES AND HEALTH OF CSX RAILROADERS, CUSTOMERS AND THE COMMUNITIES WE SERVE, COULD NOT HAVE OCCURRED WITHOUT INTENSE AND GOOD FAITH EFFORTS BY BOTH SIDES."

ITEM 2 - CSXT OPERATIONAL TESTING POLICY FOR TRAINMEN

OPERATIONAL TESTING AND OTHER SAFETY-RELATED ACTIVITIES ARE INTENDED TO PROMOTE COMPLIANCE WITH CSX OPERATING RULES, INCREASE SAFETY AWARENESS, AND ENSURE CONSISTENTLY SAFE WORK PRACTICES.

FIRST AND FOREMOST, OPERATIONAL TESTING SHOULD GIVE EMPLOYEES THE OPPORTUNITY TO SUCCEED BY DEMONSTRATING PROFICIENCY AND RULES-COMPLIANT BEHAVIOR IN THE PERFORMANCE OF THEIR JOBS. OPERATIONAL TESTING SHOULD NOT BE DESIGNED, INTENDED, OR IMPLEMENTED IN A MANNER THAT ENCOURAGES OR PRODUCES FAILURE. HOWEVER, EMPLOYEES WHO CONSISTENTLY OR REPEATEDLY DO NOT FOLLOW CSX OPERATING RULES AND SAFE PRACTICES WILL BE IDENTIFIED THROUGH OPERATIONAL TESTING AND, WHERE APPROPRIATE, INCREASED MONITORING.

CSX'S IMPLEMENTATION OF OPERATIONAL TESTING, THEREFORE, MUST FOLLOW A PROGRESSIVE PATH TOWARDS CORRECTING BEHAVIOR. PRIMARILY, OPERATIONAL TESTING WILL PROVIDE THE OPPORTUNITY FOR COACHING, COUNSELING AND TRAINING IN A NON-PUNITIVE CONTEXT WHERE AN EMPLOYEE FALLS SHORT. SECONDARILY, WHERE AN EMPLOYEE REPEATEDLY, INTENTIONALLY OR RECKLESSLY CHOOSES TO DISREGARD SAFETY RULES OR SAFE WORK PRACTICES, IDENTIFICATION OF SUCH BEHAVIORS THROUGH OPERATIONAL TESTING MAY LEAD TO DISCIPLINE OR DISMISSAL.

OPERATIONAL TESTING RESULTS ARE BROKEN DOWN INTO TWO CATEGORIES: CRITICAL RULE AND NON-CRITICAL RULE TESTING. A CRITICAL RULE TEST IS DEFINED AS AN OBSERVATION OF THE EMPLOYEE'S COMPLIANCE WITH ONE OR MORE OF THE EIGHT CRITICAL RULES CURRENTLY DEFINED IN THE CSX EMPLOYEE OPERATING MANUAL EFFECTIVE JULY 1, 2019 (UPDATED JAN 2021)

1. TRAIN REQUIRED TO STOP
2. MAIN TRACK AUTHORITY SIGNAL AND NON-SIGNAL
3. PROTECTION OF SHOVE MOVES
4. EQUIPMENT LEFT CLEAR OF ADJACENT TRACKS
5. SECUREMENT OF EQUIPMENT
6. RIDING/MOUNTING/DISMOUNTING EQUIPMENT
7. GOING BETWEEN EQUIPMENT/ SEPARATION OF EQUIPMENT
8. HAND OPERATION OF SWITCHES AND DERAILS

REPORTING OF OBSERVED FAILURES

OBSERVED FAILURES IN BOTH CRITICAL AND NON-CRITICAL RULES TESTING FOR EVENTS THAT ARE NOT DE-CERTIFIABLE OR RELATED TO THE CAUSE OF A HUMAN FACTOR INCIDENT WILL BE RECORDED AS A TRAINING EVENT IN THE OPERATING PRACTICES TRACKING SYSTEM (OPTS) AND HANDLED AS FOLLOWS:

CRITICAL RULE	NON CRITICAL RULE
<p>FIRST FAILURE:</p> <ul style="list-style-type: none">- DOCUMENTED BALLAST LINE COACHING CONVERSATION BETWEEN MANAGER CONDUCTING THE TEST AND THE TRAINMAN OBSERVED.- FOLLOW-UP OBSERVATION ON THE SAME RULE WITHIN 72 HOURS, WHEN PRACTICAL <p>* AN EMPLOYEE WHO UPON THE FOLLOW-UP OBSERVATION, COMMITS THE SAME TYPE OF OFFENSE AND VIOLATES THE SAME RULE FOR WHICH HE OR SHE WAS PREVIOUSLY COACHED, WILL BE PROGRESSED DIRECTLY TO DISCIPLINE</p>	<p>FIRST FAILURE:</p> <ul style="list-style-type: none">- DOCUMENTED BALLAST LINE COACHING CONVERSATION BETWEEN MANAGER CONDUCTING THE TEST AND THE TRAINMAN OBSERVED

CRITICAL RULE	NON CRITICAL RULE
<p>SECOND FAILURE:</p> <ul style="list-style-type: none"> - OPERATIONAL TESTING NOTIFICATION IN CREW LIFE. - FOLLOW-UP OBSERVATION ON SAME RULE WITHIN 72 HOURS, WHEN PRACTICAL, OR ON THE EMPLOYEE'S NEXT SHIFT WORKED. - LABOR REPRESENTATIVE NOTIFIED FOR PEER-TO-PEER INTERVENTION 	<p>SECOND FAILURE:</p> <ul style="list-style-type: none"> - DOCUMENTED BALLAST LINE COUNSELING CONVERSATION BETWEEN MANAGER CONDUCTING THE TEST AND THE TRAINMAN OBSERVED. - FOLLOW-UP OBSERVATION ON ON SAME RULE WITHIN 72 HOURS, WHEN PRACTICAL
<p>THIRD FAILURE:</p> <ul style="list-style-type: none"> - HANDLING UNDER DISCIPLINE POLICY 	<p>THIRD FAILURE:</p> <ul style="list-style-type: none"> - OPERATIONAL TESTING NOTIFICATION IN CREW LIFE - FOLLOW-UP OBSERVATION ON SAME RULE WITHIN 72 HOURS, WHEN PRACTICAL. - LABOR REPRESENTATIVE NOTIFIED FOR PEER-TO-PEER INTERVENTION.
	<p>FOURTH FAILURE:</p> <ul style="list-style-type: none"> - HANDLING UNDER DISCIPLINE POLICY

NOTE: AN EMPLOYEE WITH AN OBSERVED CRITICAL RULE FAILURE THAT HAS PREVIOUSLY BEEN DISCIPLINED FOR AN INCIDENT INVOLVING THE SAME CRITICAL RULE WITHIN THE PRIOR 12 MONTHS WILL BE SUBJECT TO HANDLING UNDER THE DISCIPLINE POLICY.

ONLY OPERATIONAL TEST FAILURES OCCURRING WITHIN THE PRIOR SIX (6) MONTHS WILL BE UTILIZED IN DETERMINING PLACEMENT WITHIN THE HANDLING PROGRESSION ABOVE.

MONITORING

EMPLOYEES WITH MULTIPLE OR REPEATED FAILURES WITHIN A 12-MONTH PERIOD, OR WHO HAVE BEEN FOUND TO INTENTIONALLY OR RECKLESSLY DISREGARD SAFETY RULES AND SAFE WORK PRACTICES, MAY BE SUBJECT TO INCREASED OPERATIONAL TESTING MONITORING AS A MEANS TO IDENTIFY EMPLOYEES WHO REQUIRE ADDITIONAL TRAINING OR EDUCATION AND TO ENSURE COMPLIANCE WITH CSX OPERATING RULES. TARGETING EMPLOYEES FOR ANY OTHER REASON, INCLUDING REPORTING AN INJURY OR MAKING A SAFETY COMPLAINT, IS STRICTLY PROHIBITED.

ISSUED BY JAMIE BOYCHUK, EVPO